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PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

LAW OF THE SEA

# Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

## Programme budget implications of the draft resolution contained in document A/48/950

## Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

### A. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 3, 4, 7 to 10 and 13 of the draft resolution contained in the report of the Secretary-General (A/48/950), the General Assembly would:

(a) Adopt the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, the text of which was annexed to the draft resolution;

(b) Affirm that the Agreement shall be interpreted and applied together with Part XI as a single instrument;

(c) Express its satisfaction at the entry into force of the Convention on 16 November 1994;

(d) Decide to fund the administrative expenses of the International Seabed Authority in accordance with section 1, paragraph 14 of the annex to the Agreement;

(e) Request the Secretary-General to transmit immediately certified copies of the Agreement to the States and entities referred to in article 3 thereof, with a view to facilitating universal participation in the Convention and the Agreement, and to draw attention to articles 4 and 5 of the Agreement;

(f) Further request the Secretary-General to open the Agreement for signature in accordance with article 3 thereof immediately after its adoption;

(g) Call upon the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea to take into account the terms of the Agreement when drawing up its final report.

2. Section 1, paragraph 14, of the annex to the Agreement referred to above, states:

> "The Authority shall have its own budget. Until the end of the year following the year during which this Agreement enters into force, the administrative expenses of the Authority shall be met through the budget of the United Nations. Thereafter, the administrative expenses of the Authority shall be met by assessed contributions of its members, including any members on a provisional basis, in accordance with articles 171, subparagraph (a), and 173 of the Convention and this Agreement, until the Authority has sufficient funds from other sources to meet those expenses. The Authority shall not exercise the power referred to in article 174, paragraph 1, of the Convention to borrow funds to finance its administrative budget."

## B. Activities by which the requests would be implemented

3. Should the General Assembly adopt the draft resolution, the Secretary-General would:

(a) Pursuant to operative paragraph 9 of the draft resolution, transmit immediately certified copies of the Agreement, the text of which is annexed to the draft resolution, to the States and entities referred to in article 3 thereof, with a view to facilitating universal participation in the Convention and the Agreement, and draw attention to articles 4 and 5 of the Agreement;

(b) Pursuant to operative paragraph 10 of the draft resolution, open the Agreement for signature in accordance with article 3 thereof, immediately after its adoption;

(c) Pursuant to operative paragraph 8 of the draft resolution, make arrangements for funding the administrative expenses of the Authority in accordance with section 1, paragraph 14 of the annex to the Agreement.

4. It should be noted that the draft resolution and Agreement deal with the Authority alone, and not with the International Tribunal for the Law of the Sea, another institution that commences functioning consequent to the entry into force of the Convention.

5. With respect to funding the administrative expenses of the Authority, section 1, paragraph 14 of the annex to the Agreement states:

> "The Authority shall have its own budget. Until the end of the year following the year during which this Agreement enters into force, the administrative expenses of the Authority shall be met through the budget of the United Nations. Thereafter, the administrative expenses of the Authority would be met by assessed contributions of its members, including any members on a provisional basis, in accordance with articles 171, subparagraph (a), and 173 of the Convention and this Agreement, until the Authority has sufficient funds from other sources to meet those expenses."

With regard to the entry into force of the Agreement, article 6, paragraph 1 of the Agreement states:

> "This Agreement shall enter into force 30 days after the date on which 40 States have established their consent to be bound in accordance with articles 4 and 5, provided that such States include at least seven of the States referred to in paragraph 1 (a) 1/ of resolution II of the Third United Nations Conference on the Law of the Sea (hereinafter referred to as 'resolution II') and that at least five of those States are developed States. If these conditions for entry into force are fulfilled before 16 November 1994, this Agreement shall enter into force on 16 November 1994."

According to article 7, paragraph 1, of the Agreement, "If on 16 November 1994 this Agreement has not entered into force, it shall be applied provisionally pending its entry into force ...". Paragraph 3 of the same article adds:

> "Provisional application [of this Agreement] shall terminate upon the date of entry into force of this Agreement. In any event, provisional application shall terminate on 16 November 1998 if at that date the requirement in article 6, paragraph 1, of consent to be bound by this Agreement by at least seven of the States (of which at least five must be developed States) referred to in paragraph 1 (a) of resolution II has not been fulfilled."

6. The above-quoted provisions of the Agreement mean that the administrative expenses of the Authority would be met through the budget of the United Nations until the end of 1995, at the minimum, assuming that the Agreement enters into force by 31 December 1994, and until the end of 1999, at the maximum, assuming that the Agreement enters into force by 16 November 1998. In the present statement, it is assumed that the Agreement would enter into force in 1994 and the present statement therefore addresses programme budget implications until the end of 1995.

7. Likewise, if the Agreement enters into force in 1995 or any subsequent year, the administrative expenses of the Authority for 1996 and relevant subsequent years would have to be met from the budget of the United Nations. If this were to happen, the Secretary-General of the Authority would prepare the annual budgets from 1996 for review by the Finance Committee and the Assembly of the Authority, but the administrative expenses of the Authority would still be

met through the regular budget of the United Nations. In that case the proposed annual budget of the Authority for 1996 and, possibly, future years would also be submitted to the General Assembly for decision. It would not be the intention of the Secretary-General to include estimates in his proposed programme budgets but to transmit to the General Assembly on an annual basis the budget of the Authority as agreed by the Assembly of the Authority. It is therefore the view of the Secretary-General that such expenses should be treated outside the procedures related to the outline and to the contingency fund.

8. For information purposes, a tentative estimate of the requirements for 1996 within the budget cycle 1996-1997, inclusive of conference-servicing requirements but subject, of course, to the views of the Secretary-General of the Authority and review by the Finance Committee, the Council and the Assembly of the Authority, and assuming that the full contingent of staff for the first functional phase would be on board by January 1996, would be approximately $4,024,200 for the Secretariat and $1,775,800 for conference servicing.

9. The Agreement which gives rise to the programme budget implications through the draft resolution is the result of endeavours of the Member States of the United Nations themselves aimed at achieving universal participation in the Convention. With the acknowledgement that there were problems with some aspects of the deep seabed mining provisions of the Convention that had prevented some States, including certain major industrialized States, from ratifying or acceding to the Convention, the Secretary-General of the United Nations initiated informal consultations among Member States in July 1990, which continued until June 1994, during which time 15 meetings were held. One of the nine issues that had been identified as areas of difficulty was costs to States Parties. The Agreement is the outcome of the consultations, whose objective was to achieve wider participation in the Convention, in order to reach the goal of universality, and addresses, in section 1 of the annex, including paragraph 14, the issue of "Costs to States Parties and institutional arrangements".

10. With respect to the administrative expenses of the Authority, up to December 1995, such expenses would relate to:

(a) Convening and servicing the first session of the Assembly of the Authority, the sole organ of the Authority consisting of all its members, considered to be the supreme organ of the Authority (see articles 158 (1), 160 (1) and 308 (3) of the Convention);

(b) The expenses of the Secretariat of the Authority, comprising a Secretary-General of the Authority and such staff as the Authority may require, the Secretary-General of the Authority being the chief administrative officer of the Authority (refer to articles 158 (1), 166 (1) and 166 (3) of the Convention).

11. According to article 308 (3) of the Convention, the Assembly of the Authority shall meet on the date of entry into force of the Convention (i.e. 16 November 1994) and shall elect the Council of the Authority, which is the executive organ of the Authority consisting of 36 members (see articles 158 (1), 161 (1) and 162 (1) of the Convention). According to articles 166 (2) and 167 (3) of the Convention, the Secretary-General of the Authority shall be

elected by the Assembly of the Authority from among the candidates proposed by the Council of the Authority, and the staff of the Secretariat of the Authority shall be appointed by the Secretary-General of the Authority.

12. At the present time, there is no formal and detailed specific guidance regarding the timing and duration of the first session of the Assembly of the Authority, the timing of the election of the members of the Council and of the Finance Committee, of the election of the Secretary-General of the Authority, of the appointment of the staff of the Secretariat of the Authority or, consequently, regarding the expenses of the Secretariat of the Authority up to December 1995.

13. During its twelfth session, the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea deliberated upon the matter of the first session of the Assembly of the Authority (see LOS/PCN/L.114/Rev.1, paras. 33-39). No conclusions were reached by the Preparatory Commission; it decided to continue consideration of the matter at its next meeting, to be held from 1 to 12 August 1994.

14. The Preparatory Commission was also charged with, inter alia, "mak[ing] recommendations concerning the budget for the first financial period of the Authority" as well as "mak[ing] recommendations concerning the Secretariat of the Authority" (resolution I of the Third United Nations Conference on the Law of the Sea, paras. 5 (c) and 5 (e), respectively). At the request of the Preparatory Commission, the Secretariat of the United Nations had prepared a background paper in August 1990 dealing with these two interrelated matters (LOS/PCN/WP.51). On the basis of that background paper, the Preparatory Commission carried out deliberations on the two interrelated matters during the 1990 Summer Meeting (see LOS/PCN/L.87, para. 33), the ninth session (see LOS/PCN/L.92, paras. 15-21), the 1991 Summer Meeting (see LOS/PCN/L.97, paras. 11-19), and the twelfth session (see LOS/PCN/L.114/Rev.1, paras. 26-32). No conclusions were reached by the Preparatory Commission; at its twelfth session, it decided that the Secretariat of the United Nations would prepare for its forthcoming meeting, to be held from 1 to 12 August 1994, a draft budget for the first financial period of the Authority (i.e for the period up to 31 December 1996), which would be based on the background paper LOS/PCN/WP.51 and would take into account statements made during the consideration of the item in that session (LOS/PCN/L.114/Rev.1, para. 32). It is assumed that this will be the final session of the Preparatory Commission.

15. Without prejudice to the decisions that the Assembly of the Authority will take on the budget, the election of the Secretary-General and the timing and frequency of its meetings, the following assumptions are made in the present statement for the purpose of estimating the expenses of the Authority:

(a) A ceremonial session of the Assembly of the Authority (first part of the first session) would be held from 16 to 18 November 1994 for a duration of three days at Kingston;

(b) The agenda of the ceremonial session would be limited to opening of the session and formal statements only;

(c) A resumed session of the Assembly of the Authority (second part of the first session) would be held from 6 to 24 February 1995 for a duration of three weeks at Kingston;

(d) During this resumed session after the adoption of rules of procedure, the election of the members of the Council, of the Secretary-General of the Authority, and of the members of the Legal and Technical Commission and the Finance Committee, two organs mentioned in section 1, paragraph 4 of the annex to the Agreement, would take place;

(e) A start-up phase, which would constitute the preliminary organizational phase of the Secretariat of the Authority, would be required from 1 March 1995 to 31 December 1995, before the first functional phase would commence in January 1996;

(f) During the start-up phase, the Secretary-General of the Authority would initiate operations of the Secretariat of the Authority with a small nucleus of staff to organize the Secretariat of the Authority and, inter alia, plan the work of the Authority, prepare the programme of work of the Secretariat, as well as prepare the annual budget for 1996; during this phase, moreover, rules, regulations and procedures concerning the financial management and internal administration of the Authority, including staff regulations and rules, would be prepared;

(g) According to article 172 of the Convention, the Secretary-General of the Authority shall draft the proposed annual budget of the Authority and submit it to the Council; the Council shall consider the proposed annual budget and submit it to the Assembly of the Authority, together with any recommendations thereon; the Assembly of the Authority shall consider and approve the proposed annual budget. In accordance with section 9, paragraph 7, of the annex to the Agreement, decisions by the Assembly of the Authority and the Council on, inter alia, all relevant financial matters, including the proposed annual budget prepared by the Secretary-General of the Authority, shall take into account recommendations of the Finance Committee. A second resumed session of the Assembly of the Authority (third part of the first session) would be held from 7 to 18 August 1995 for a duration of two weeks at Kingston, essentially for the purpose of the consideration of the proposed annual budget of the Authority for 1996 by the Finance Committee, the Council and the Assembly of the Authority.

16. Under these assumptions, arrangements would be made for convening the three sessions (three parts of the first session of the Assembly of the Authority), for which conference servicing and substantive servicing would be provided.

17. Arrangements would be made for initiating the start-up operations of the Secretariat of the Authority. As the start-up operations proceeded, expenses of the Secretariat of the Authority would be met through the budget of the United Nations as provided for in operative paragraph 8 of the draft resolution. It is assumed that the expenses of the Secretariat would include staff costs, including salaries and common staff costs of staff at the Professional level and above and at the Local level; travel costs; expenses for contractual services; general operating expenses, including rental and maintenance of premises, utilities, rental and maintenance of furniture and equipment, and

communications; costs of supplies and materials; and expenditure relating to acquisition of furniture and equipment, including office equipment, data-processing equipment and transportation equipment.

C. Modifications required in the approved programme of work

18. Should the General Assembly approve the requests contained in the draft resolution, activity 1 (Parliamentary services) under section 7, subsection B, of the programme budget for the biennium 1994-1995, 2/ subprogramme 4, Servicing the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea and support to the future Authority and Tribunal, would be reformulated as follows:

Substantive services: two sessions of the Preparatory Commission; two sessions of the General Committee/Training Panel/Group of Technical Experts of the Preparatory Commission; upon entry into force of the Convention, substantive support in the preparation of the final reports of the Preparatory Commission to the Assembly of the International Seabed Authority and the meeting of States parties to the Convention for the establishment of the International Tribunal for the Law of the Sea, convening and servicing the first session of the Assembly of the Authority (in their parts), support in the establishment of the Secretariat of the Authority, substantive support, as required, to that Secretariat, convening the meeting of States parties to the Convention for the establishment of the Tribunal, support in the establishment of the Registry of the Tribunal, and substantive support, as required, to the Registry of the Tribunal.

D. Additional requirements at full cost

19. Should the General Assembly adopt the draft resolution, it is estimated that additional requirements would arise in the amount of $3,209,500, as summarized below:

| | | $ | $ |
|---|---|---|---|
| A. | Conference servicing | | 1 619 800 |
| B. | Secretariat of the Authority (based on the following assumptions): | | 1 589 700 |
| | Staff costs | 785 600 | |
| | Travel on official business | 151 800 | |
| | Contractual services | 5 000 | |
| | General operating expenses | 475 200 | |
| | Supplies and materials | 16 000 | |
| | Furniture and equipment | 32 000 | |
| | Public information | 124 100 | |
| | Total | | 3 209 500 |

## E. Conference servicing

20. In accordance with paragraphs 16 (a), (c) and (g) above, the Assembly of the Authority would hold a ceremonial session for three days in November 1994, an organizational/substantive resumed session for three weeks in February 1995 and a second resumed substantive session for two weeks in August 1995, all at Kingston. It is assumed that interpretation and translation services would be required in Arabic, Chinese, English, French, Russian and Spanish.

21. For the ceremonial session, it is assumed that the Assembly of the Authority would require interpretation and other meeting services for six meetings and that there would be three pre-session documents (50 pages), two in-session documents (10 pages) and three post-session documents (50 pages).

22. For the organizational/substantive resumed session, it is assumed that the Assembly and the Council of the Authority would require interpretation and other meeting services for 50 meetings and that there would be four pre-session documents (100 pages), four in-session documents (40 pages) and four post-session documents (100 pages).

23. For the second resumed substantive session, it is assumed that the Assembly of the Authority, the Council, the Legal and Technical Commission, and the Finance Committee would require interpretation in the six languages of the Assembly of the Authority and other meeting services for 40 meetings and that there would be three pre-session documents (80 pages), two in-session documents (30 pages) and three post-session documents (80 pages).

24. Based on the above assumptions, the full cost of conference servicing is estimated at $1,619,800.

## F. Secretariat of the Authority

### 1. Staff costs

25. Staff costs would arise in respect of the Secretary-General of the Authority and such staff as the Authority may require. The staff of the Authority shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the administrative functions of the Authority, according to article 167 (1) of the Convention. It is assumed that staff at the Professional level and above would be required to perform the substantive scientific and technical tasks and the administrative tasks, as well as the executive direction management and supervisory tasks. It is also assumed that Local staff would be required to provide support to the staff at the Professional level and above - both substantive and administrative - and assistance in various matters. Local staff would include personal assistants, data/information/library assistants, research assistants, secretaries, receptionists, security officers, manual workers, drivers, and so on.

26. It is assumed that after his/her election in February 1995, the Secretary-General of the Authority would initiate the organizational phase of the Secretariat of the Authority with a small nucleus of staff. As mentioned

earlier, the main tasks during the organizational phase would be to: plan the work of the Authority; prepare the substantive and administrative programme of work of the Secretariat of the Authority; prepare and adopt rules, regulations and procedures for the internal administration and financial management of the Authority, including staff regulations and rules; adopt the draft Agreement between the International Seabed Authority and the Government of Jamaica regarding the Headquarters of the Authority, the draft Protocol on the Privileges and Immunities of the Authority, and the draft agreement concerning the relationship agreement between the United Nations and the Authority; formulate a strategy to launch the first functional phase in January 1996; initiate a system of budgeting and financial control, a system of financial administration, a system of personnel recruitment, administration and management, and a system of general administration; propose and approve the budget of the Authority for 1996; initiate and complete the process of recruitment and procurement so that the first functional phase can start in January 1996. For carrying out these tasks, it is assumed that at the very initial stage, the small nucleus would consist of an Executive Officer (P-5), a Finance Officer (P-3), a Personnel Officer (P-2), and a Data/Information Specialist (P-2), as well as support staff, including one personal assistant, two secretaries, three administrative assistants, two information/library assistants, one receptionist, two security officers, one manual worker and one driver. It is assumed that the above staff would enter on duty in March 1995.

27. By July 1995, a Deputy to the Secretary-General of the Authority, at the D-1 level, who would also be the Interim Director-General of the Enterprise, the operational arm of the Authority, would be on board. An additional four local General Service staff (one secretary, two research assistants, one administrative assistant) would also be on board by July 1995.

28. Initially, pending the adoption by the Authority of rules, regulations and procedures concerning the financial management and internal administration of the Authority, including staff regulations and rules, it is assumed that the Secretary-General of the Authority would wish to apply provisionally the relevant rules, regulations and procedures of the United Nations. It is assumed therefore that staff would be recruited and employed under the terms and conditions applicable to the United Nations with service limited to the Authority, and that staff would be remunerated according to the common system of the United Nations system of organizations, administered by the International Civil Service Commission. According to article 156 (4) of the Convention, the seat of the Authority shall be in Jamaica. It is assumed that staff at the Professional level and above would be recruited internationally to work at Kingston and staff at the General Service level would be recruited locally in Jamaica.

29. The above-mentioned staff would also constitute the core of the overall staffing required for the first functional phase, which would start in January 1996. In order to put matters in perspective, an overview of the staff requirements for the first functional phase is provided in the following paragraphs, based on the findings of the document to be submitted to the Preparatory Commission at its forthcoming meeting (see para. 14 above).

30. Since commercial production of minerals from the deep seabed will not take place for several years, the initial operations of the Authority and its Enterprise is expected to concentrate on areas relating to exploration; analysis and monitoring of developments; acquisition of scientific knowledge; elaboration of rules, regulations and procedures; approval of plans of work; and the initial functions of the Enterprise.

31. The functions that the Authority and its Enterprise would concentrate on between the entry into force of the Convention and the approval of the first plan of work for exploitation, are specified in section 1, paragraph 5, and section 2, paragraph 1, respectively, of the annex to the Agreement.

32. For the Authority, the functions are:

(a) Processing of applications for approval of plans of work for exploration;

(b) Implementation of decisions of the Preparatory Commission relating to the registered pioneer investors and their certifying States, including their rights and obligations;

(c) Monitoring of compliance with plans of work for exploration approved in the form of contracts;

(d) Monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;

(e) Study of the potential impact of mineral production from the international seabed Area on the economies of developing land-based producers of those minerals which are likely to be most seriously affected, with a view to minimizing their difficulties and assisting them in their economic adjustment, taking into account the work done in that regard by the Preparatory Commission;

(f) Adoption of rules, regulations and procedures, including those necessary for the conduct of activities in the international seabed Area as they progress;

(g) Adoption of rules, regulations and procedures, incorporating generally applicable standards for the protection and preservation of the marine environment;

(h) Promotion and encouragement of the conduct of marine scientific research with respect to activities in the international seabed Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area;

(i) Acquisition of scientific knowledge and monitoring of the development of marine technology relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment;

(j) Assessment of available data relating to prospecting and exploration;

(k) Timely elaboration of rules regulations and procedures for exploitation, including those relating to the protection and preservation of the marine environment.

33. For the Enterprise, the functions are:

(a) Monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;

(b) Assessment of results of the conduct of marine scientific research with respect to activities in the international seabed Area, with particular emphasis on research related to the environmental impact of the activities in the Area;

(c) Assessment of available data relating to prospecting and exploration, including the criteria for such activities;

(d) Assessment of technological developments relevant to the activities in the Area, in particular technology relating to the protection and preservation of the marine environment;

(e) Evaluation of information and data relating to areas reserved for the Authority;

(f) Assessment of approaches to joint venture operations;

(g) Collection of information on the availability of trained manpower;

(h) Study of managerial policy options for the administration of the Enterprise at different stages of its operations.

34. According to section 2, paragraph 1, of the annex to the Agreement, the Secretariat of the Authority shall perform the functions of the Enterprise until it begins to operate independently of the Secretariat of the Authority; the Secretary-General of the Authority shall appoint an interim Director-General of the Enterprise to oversee the performance of these functions.

35. It can be deduced easily that these specified functions of the Authority and its Enterprise would warrant that disciplines required for the staff of the Secretariat of the Authority would be those relating to marine geology, marine ecology, marine engineering, computer science, corporate planning, economics, management and law.

36. It is assumed that an appropriate structure for the Secretariat of the Authority would require four main functional divisions, as follows:

(a) Research and Planning Division;

(b) Monitoring and Compliance Division;

(c) Regulatory Division;

(d) Division for Administration.

37. Based on the findings of the document mentioned above, the assumptions regarding the number and level of staff of the Secretariat of the Authority in the first functional phase (i.e. 1996) are summarized in tables 1 and 2 contained in the annex to the present statement. Table 1 summarizes the assumptions about the assignments of staff of the Secretariat of the Authority during the first functional phase in relation to the functions of the Authority and its Enterprise, as laid down in paragraphs 35 and 36 above. Table 2 summarizes the assumptions about staff in the four divisions of the Secretariat of the Authority and the work that would be performed within each division during the first functional phase in relation to the functions of the Authority and its Enterprise, as laid down in paragraphs 35 and 36 above. In all, it is assumed that in the first functional phase starting in January 1996, the Secretariat of the Authority would require 20 posts at the Professional level and above (1 ASG, 1 D-1, 4 P-5, 3 P-4, 5 P-3 and 6 P-2/P-1 posts) and 30 General Service (Local level) posts. Taking into account this overall staff requirement from January 1996 and the core staff that should already have been recruited in 1995, table 3 shows the anticipated phasing for the staff to be on board. Table 3 has been prepared bearing in mind, inter alia, the usual length of time required for recruiting qualified staff. It is to be noted that these practical considerations are in addition to those of adoption of rules, regulations and procedures concerning the internal administration and financial management of the Authority, approval of the budget of the Authority for 1996, and putting a system of personnel recruitment, administration and management in place, which are sine qua non for the recruitment of personnel by the Secretary-General of the Authority.

38. Under the above assumptions, the estimated cost of the staffing for the period to December 1995 would be:

| | $ |
|---|---|
| General temporary assistance (1 ASG, 1 D-1, 1 P-5, 1 P-3, 2 P-2, 17 Local level staff and provision for temporary staff during meetings of the Authority) | 785 100 |
| Overtime | 500 |

2. Travel

39. Provision would have to be made for meeting travel requirements of personnel from the Office of General Services (security officers, sound engineers) and from the substantive departments to service the sessions of the Assembly of the Authority. Based on the budgetary experience of servicing the

sessions of the Preparatory Commission at Kingston, the following estimate is made:

| | |
|---|---|
| Travel to attend meetings | $131 800 |

40. Requirements for travel on official business would arise for the Secretary-General of the Authority, his Deputy and the Executive Officer in relation to arrangements to be made during the organizational phase, especially with the United Nations, as well as consultations with other organizations in the United Nations system whose work is related to that of the Authority. Travel requirements may also arise in connection with the preparation of the plan, programme of work and budget, and rules, regulations and procedures for the financial management and internal administration of the Authority, as well as putting the various administrative systems in place, and recruitment. The following estimate is made:

| | |
|---|---|
| Other official travel | $20 000 |

### 3. Contractual services

41. Requirements for contractual services would arise in relation to external printing and binding of publications, such as a brochure on the new institution. It is estimated as follows:

| | |
|---|---|
| External printing and binding | $5 000 |

### 4. General operating expenses

42. It is assumed that office premises and facilities as well as conference facilities at Kingston would be rented for the purpose of the Authority. 3/ Based on the budgetary experience of the Kingston Office for the Law of the Sea, it is estimated as follows:

| | |
|---|---|
| Rental and maintenance of premises (includes utilities) | $311 700 |

43. It is also assumed that furniture and equipment, including data-processing equipment, would be rented initially. Based on the budgetary experience of the Kingston Office for the Law of the Sea, it is estimated as follows:

| | |
|---|---|
| Rental and maintenance of furniture and equipment | $81 500 |

44. Local transportation requirements would arise in connection with the servicing of the sessions of the Assembly of the Authority. Based on the budgetary experience of servicing the sessions of the Preparatory Commission, it is estimated as follows:

| | |
|---|---|
| Local transportation | $23 800 |

45. Both for the Secretariat of the Authority and in relation to servicing the sessions of the Assembly of the Authority, communication requirements would

arise, especially with United Nations Headquarters and regarding the organizational work of the Secretariat of the Authority and meeting arrangements. Based on the budgetary experience of the Kingston Office for the Law of the Sea and the servicing of the sessions of the Preparatory Commission, the following estimate is made:

| | |
|---|---|
| Communications | $15 300 |

46. Requirements for official functions would arise, especially for a newly functioning institution. Based on the budgetary experience of the Kingston Office for the Law of the Sea, it is estimated as follows:

| | |
|---|---|
| Official functions | $4 600 |

47. Freight requirements would arise in relation to shipment of documents and equipment for the sessions of the Assembly of the Authority as well as of publications and reference materials from United Nations Headquarters. Based on the budgetary experience of servicing the sessions of the Preparatory Commission, the following estimate is made:

| | |
|---|---|
| Freight | $38 300 |

### 5. Supplies and materials

48. Requirements would arise for stationery and other office supplies and library books and journals for the Authority's library and reference collection. Based on the budgetary experience of the Kingston Office for the Law of the Sea, the following estimate is made:

| | |
|---|---|
| Supplies and materials | $16 000 |

### 6. Furniture and equipment

49. At the outset, as the institution commences functioning, certain office equipment and furniture would need to be purchased rather than rented. Possible items falling under this category include electronic data-processing equipment, usual furniture for the offices, transportation equipment, and so forth. Keeping the requirements up to December 1995 at a minimum level, the following estimate is made:

| | |
|---|---|
| Acquisition of furniture and equipment | $32 000 |

### 7. Public information

50. Provision of media coverage, including media liaison, preparation of press releases, in both English and French, and audio and video coverage as well as the preparation of a press kit for the ceremonial session of the Assembly of the Authority, would require expenditures to meet production costs, including travel costs of Press Officers and related personnel for meeting coverage, as well as

expenditures for translation, design and printing of related material. The following estimate is made:

| | |
|---|---|
| Public information | $124 100 |

## G. Potential for absorption

### 1. Conference servicing

51. The estimates of conference-servicing costs ($1,619,800) are based on the theoretical assumption that no part of the conference-servicing costs requirements would be met from within the permanent conference-servicing capacity under section 25E of the programme budget for the biennium 1994-1995, and that additional resources would be required for temporary assistance for meetings. The extent to which the Organization's permanent capacity needs to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences for the biennium 1994-1995. As indicated in paragraph 25E.6 of the programme budget, however, the level of resources for temporary assistance for meetings in 1994 and 1995 was estimated on the basis of previous experience to accommodate not only meetings known at the time of the budget preparation but also meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium 1994-1995 are consistent with the pattern of meetings in past years. On that basis, it is estimated that no additional resources would be required under section 25E of the programme budget for the biennium 1994-1995.

### 2. Secretariat of the Authority

52. Provision was made in the programme budget for the biennium 1994-1995 for activities at the Kingston Office for the Law of the Sea. In this connection, it is assumed that the Secretary-General of the Authority will take over the office premises, furniture and equipment, supplies and materials of the Kingston Office for the Law of the Sea and that all necessary disbursements of that Office would have already been made by 28 February 1995. It is also assumed that while both the Professional (1 P-5, 1 P-3 and 2 P-2/1) and General Service (13 Local level) posts at Kingston would be abolished, incumbent staff of that office would be employed by the Secretary-General of the Authority from 1 March 1995.

53. With the assumption that the need for servicing the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea would not arise in 1995 (it is to be noted that according to paragraph 13 of resolution I of the Third United Nations Conference on the Law of the Sea, the Preparatory Commission shall remain in existence until the conclusion of the first session of the Assembly of the Authority) and also the assumption that the need to operate the Kingston Office for the Law of the Sea would not arise in 1995 with the cessation of the Preparatory Commission, an amount of $1,149,900 appropriated under section 7 of the programme budget for the biennium 1994-1995 would no longer be required and would be surrendered. This amount breaks down as follows:

| | $ |
|---|---|
| Established posts | 339 400 |
| Temporary assistance for meetings | 4 900 |
| Overtime | 300 |
| Common staff costs | 189 900 |
| Travel of representatives | 8 500 |
| Travel of staff to meetings | 136 700 |
| Rental and maintenance of premises | 325 800 |
| Rental and maintenance of furniture and equipment | 68 400 |
| Local transportation | 13 000 |
| Communications | 11 200 |
| Official functions | 3 000 |
| Freight | 12 800 |
| Miscellaneous services | 2 300 |
| Supplies and materials | 11 700 |
| Acquisition of furniture and equipment | 22 000 |
| Total | 1 149 900 |

## H. Indication of additional requirements

54. On the basis of the assumptions described above, should the General Assembly adopt the draft resolution contained in the report of the Secretary-General (A/48/950), it is estimated that additional resources in the amount of $1,589,700 would be required for the costs of the Secretariat of the Authority. The Secretary-General proposes that this provision be made under a new and separate section of the programme budget.

55. That amount would be offset by a reduction in the amount of $1,149,900 under section 7 of the programme budget for the biennium 1994-1995, leaving a net additional requirement of $439,800.

## I. Contingency fund

56. It will be recalled that, under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. Under that procedure, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned can be implemented only through redeployment of resources from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred to a later biennium.

57. Should it not prove possible to meet the net additional requirements of $439,800 from the contingency fund, it would not be possible to give effect to the provision contained in the draft resolution contained in the report of the Secretary-General (A/48/950), as provided for in the criteria for use of the

contingency fund adopted by the General Assembly in resolution 42/211 of 21 December 1987.

## J. Summary

58. Should the General Assembly adopt the draft resolution contained in the report of the Secretary-General, an additional appropriation of $1,589,700 would be required under section 32 of the programme budget for the biennium 1994-1995, to be partially offset by a reduction of $1,149,900 under section 7.

59. For 1996, preliminary estimates for the Secretariat of the Authority amount to $4,024,200 and $1,775,800 for conference-servicing costs.

## Notes

1/ For the purpose of the present resolution, States include: Belgium, Canada, France, Germany, India, Italy, Japan, Netherlands, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America and any developing State that is a signatory to the Convention.

2/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 6 (A/48/6/Rev.1).

3/ It is to be noted that during the consideration of the draft agreement between the International Seabed Authority and the Government of Jamaica regarding the Headquarters of the International Seabed Authority (LOS/PCN/WP.49/Rev.2), consultations were held with the representatives of the Government of Jamaica with regard to the terms and conditions of the use and occupation by the Authority of office and conference premises. No indications were made about rent-free occupancy. The provisions at the present time are as follows: article 2, paragraph 2, of the draft agreement states that "Jamaica grants to the Authority and the Authority accepts from Jamaica, for the permanent use and occupation by the Authority the area as defined in the annex to this Agreement and such other facilities on such terms and conditions as specified in supplementary agreements"; the annex, which has only one provision, states that "the area referred to in article 2, paragraph 2, of this Agreement consists of the land bounded by ... (sic.)"; there are no supplementary agreements.

ANNEX

Table 1. Estimated assignment and functions of staff of the Secretariat of the Authority during the first functional phase starting in 1996

| Functions | Number and level of posts |
|---|---|
| Chief administrative officer (Secretary-General) | 1 A-S-G |
| External relations<br>Legal services<br>Public information<br>Enterprise<br>  Corporate planning<br>  Managerial policy<br>(Deputy to the Secretary-General)<br>(Interim Director-General, Enterprise) | 1 D-1 |
| Substantive functions: Professional category | |
| Processing of applications for approval of plans of work for exploration | 1 P-5<br>1 P-2 |
| Implementation of decisions of the Preparatory Commission relating to the registered pioneer investors and their certifying States | |
| Monitoring of compliance with plans of work for exploration | |
| Monitoring and review of trends and developments relating to deep seabed mining, world metal market, metal prices, trends, prospects | 1 P-5<br>1 P-4<br>1 P-3<br>1 P-2 |
| Study of the potential impact of deep seabed mining on developing land-based producers | |
| Assessment of available data relating to prospecting and exploration | |
| Joint venture assessment | |
| Collection of information on manpower (also related to the Enterprise) | |

| Functions | Number and level of posts |
|---|---|
| Marine scientific research | P-4<br>P-3 |
| Acquisition of scientific knowledge and marine technology | |
| Marine environment (also related to the Enterprise) | |
| Adoption of rules, regulations and procedures for the conduct of activities in area | P-5<br>P-2 |
| Administrative and financial regulations and elaboration of fiscal regime | |
| Data and information system development and management | P-4 |
| Library services development and management (also related to the Enterprise) | |
| <u>Administrative functions: Professional category</u> | |
| Executive Officer (Chief of Administration, Finance and Personnel) | 1 P-5 |
| Administration | 1 P-3<br>1 P-2 |
| Finance | 1 P-3<br>1 P-2 |
| Personnel | 1 P-3<br>1 P-2 |

| Functions | Number and level of posts |
|---|---|
| Support functions: General Service category | |
| Research assistants/Data and information assistants | 14 GS |
| Secretaries | 10 GS |
| Receptionists | 1 GS |
| Security officers | 2 GS |
| Manual worker | 1 GS |
| Driver | 1 GS |
| Messenger | 1 GS |

Post requirements

| ASG | D-1 | P-5 | P-4 | P-3 | P-2 | Total Professional and above | Total General Service | Grand total |
|---|---|---|---|---|---|---|---|---|
| 1 | 1 | 4 | 3 | 5 | 6 | 20 | 30 | 50 |

Source: LOS/PCN/WP.51 and its updated version.

Table 2. Anticipated functions of staff to be performed within each division during the first functional phase, starting in 1996

Office of the Secretary-General

Secretary-General
Deputy to the Secretary-General
(Interim Director-General, Enterprise)

1 ASG
1 D-1
3 GS
- Chief Administrative Officer
- External relations (Relationship with host country and international organizations)
- Legal services
- Public information
- Overseeing the performance of the functions of the Enterprise
- Corporate planning, Managerial policy

| Planning and Research<br>1 P-5<br>3 P-4<br>2 P-3<br>1 P-2<br>7 GS | | | | | Monitoring and Compliance<br>1 P-5<br>1 P-2<br>4 GS | | | Regulatory Division<br>1 P-5<br>1 P-2<br>3 GS | | | Administration<br>1 P-5<br>3 P-3<br>3 P-2<br>13 GS | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Marine scientific research<br><br>Acquisition of scientific knowledge and marine technology<br><br>Marine environment | Trends and developments in deep seabed mining<br><br>World market conditions and metal prices, trends and prospects<br><br>Impacts on land-based producers | Assessment of data relating to prospecting and exploration<br><br>Collection of information on manpower | Joint ventures assessment | Data and information system<br><br>Library | Processing of applications for plans of work | Monitoring of compliance with plans of work | Implementation of decisions of Preparatory Commission | Mining regulations (Exploration) | Administrative and financial regulations | Elaboration of fiscal regime | General administration<br><br>Secretarial services<br><br>Security services<br><br>Building management<br><br>Purchases and procurement<br><br>Transportation<br><br>Printing and reproduction | Financial administration<br><br>Treasury/ payroll matters<br><br>Collections<br><br>Investments<br><br>Budget and financial control<br><br>Budget preparation<br><br>Assessments/ contributions<br><br>Accounting<br><br>Internal auditing | Personnel administration<br><br>Recruitment<br><br>Training |

Table 3. Proposed deployment of projected personnel
(March 1995 to January 1996)

| Category/Level | Proposed/ projected 94-95, 96-97 | Months | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 95 Mar | 95 Apr | 95 May | 95 Jun | 95 Jul | 95 Aug | 95 Sep | 95 Oct | 95 Nov | 95 Dec | 96 Jan |
| Professional category and above | | | | | | | | | | | | |
| ASG | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| D-1 | 1 | | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| P-5 | 4 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 4 |
| P-4 | 3 | | | | | | | | | | | 3 |
| P-3 | 5 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 5 |
| P-2 | 6 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 6 |
| Subtotal | 20 | 5 | 5 | 5 | 5 | 6 | 6 | 6 | 6 | 6 | 6 | 20 |
| Other categories | | | | | | | | | | | | |
| Local level | 30 | 13 | 13 | 13 | 17 | 17 | 17 | 17 | 17 | 17 | 17 | 30 |
| Grand total | 50 | 18 | 18 | 18 | 18 | 23 | 23 | 23 | 23 | 23 | 23 | 50 |